

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2221 OF 2015

Parmeshwar Sansthan, Himayatnagar,
Through Secretary,
Rajeshwar S/o Vishwanath Chintawar .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri V. D. Patnurkar, Advocate for the Petitioner.
Shri S. G. Karlekar, A. G. P. for Respondent Nos. 1 to 4.

**WITH
CIVIL APPLICATION NO. 11831 OF 2015**

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.
DATE : 18TH JANUARY, 2016.**

PER COURT :-

1. Mr. Patnurkar, the learned counsel submits that, possession has been taken by the Tahasildar, Himayatnagar of the petitioner's land on 14.11.2008. The letter is issued to the petitioner / Trust that, the said land is required for constructing administrative building. The learned counsel submits that, as yet no acquisition proceedings have been taken up nor any amount has been paid to the petitioner.

2. Mr. Karlekar, the learned A. G. P. submits that, the Acquiring Body has failed to deposit 25% of the advance compensation. As such further steps are not taken. The learned A. G. P. submits that, compensation shall be determined as per the provisions of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The possession of the petitioner's land is taken in the year, 2008. As yet the acquisition proceedings have not been commenced. Naturally, the respondents will have to take the steps for acquisition as per the provisions of the Act of 2013. However, the same needs to be taken expeditiously.

4. The respondents shall take steps under the Act of 2013 for acquisition expeditiously and preferably within a period of six (6) months. The amount of Rs. 10,00,000/- (Rs. Ten Lacs only) deposited shall be adjusted in the compensation amount payable and this will be construed as an advance compensation.

5. The petitioner is allowed to withdraw the amount of Rs. 10,00,000/- (Rs. Ten Lacs Only) deposited by the respondents, on submission of undertaking. Said amount shall be part of the compensation amount payable to the petitioner on acquisition of its property.

6. The writ petition is accordingly disposed of. No costs.

7. Civil application also stands disposed of.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]